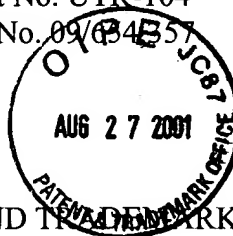I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on _August 23, 2001_ .

Frank C Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Helen Nguyen
Art Unit	:	1615
Applicants	:	Michael B. Zemel, Hang Shi, Paula C. Zemel
Serial No.	:	09/654,357
Filed	:	September 1, 2000
For	:	Materials and Methods for the Treatment or Prevention of Obesity

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

DR. MICHAEL B. ZEMEL, DR. HANG SHI, AND DR. PAULA C. ZEMEL DECLARE:

1. THAT we are co-inventors of the invention disclosed and claimed in U.S. Application Serial No. 09/654,357.

2. THAT said invention was completed in the United States prior to January 2000, as shown by the following exhibits. We conceived and reduced to practice methods for the stimulation of lipolysis in animals by increasing the amounts of dietary calcium consumed by these animals. Dietary calcium is provided in the form of calcium carbonate or powdered non-fat milk. Exhibit 1 shows that increasing dietary calcium stimulates lipolysis. The effects of a high calcium diet on adipocyte lipolysis was assayed using a glycerol release assay as described in Example 2 of the above-identified patent application.

3.   THAT Exhibit 1 is a copy of pages taken from a laboratory record created and
        maintained in the normal course of laboratory operations, prior to January 2000.
        The completion date of the experiments and analyses recorded in these laboratory
        notebook pages have been redacted. We hereby attest that these redacted dates
        are prior to the critical date.

We hereby further declare that all statements made herein of our own knowledge are true
and that all statements made on information and belief are believed to be true; and further that
these statements were made with the knowledge that willful false statements and the like so
made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the
United States Code, and that such willful false statements may jeopardize the validity of the
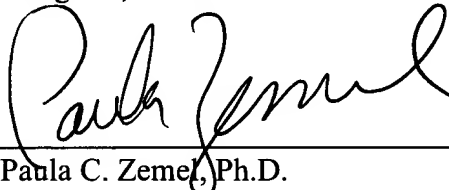application or any patent issued thereon.

Further, Declarants sayeth not.

By:_____   Date:_____
        Michael B. Zemel, Ph.D.

By:_____   Date:_____
        Hang Shi, Ph.D.

By:_____   Date:_____8-21-2001_____
        Paula C. Zemel, Ph.D.

PHOTOMETRY/GLYCCL-H1

ID	I	mol/l			
STD 1	1.013	0.000			
STD 1	1.135	0.000			
MEAN=	.842	SD=	0.009	RSD=	0.489
STD 2	.15	1.000			
STD 2	.44	1.000			
MEAN=	12.44	SD=	0.009	RSD=	0.072
STD 3	3.060	2.500			
STD 3	3.097	2.500			
MEAN=	3.078	SD=	0.026	RSD=	0.844
STD 4	3.319	5.000			
STD 4	8.315	5.000			
MEAN=	8.317	SD=	0.002	RSD=	0.024

PHOT. PHY/GLYCEROL

ID	I	mol/l			
STD 1	2.006	0.000			
STD 1	1.995	0.000			
MEAN=	2.000	SD=	0.007	RSD=	0.350
STD 2	2.988	0.050			
STD 2	3.001	0.050			
MEAN=	2.994	SD=	0.009	RSD=	0.300
STD 3	8.394	0.100			
STD 3	8.417	0.100			
MEAN=	3.405	SD=	0.016	RSD=	0.160
STD 4	10.77	0.250			
STD 4	10.75	0.250			
MEAN=	10.76	SD=	0.011	RSD=	0.130
STD 5	15.30	0.500			
STD 5	15.36	0.500			
MEAN=	15.36	SD=	0.000	RSD=	0.000
STD 6	15.44	1.000			
STD 6	15.15	1.000			
MEAN=	15.44	SD=	0.009	RSD=	0.058
1	4.773	0.074			
1	4.762	0.074			
1a MEAN=	0.074	SD=	0.000	RSD=	0.000
2	1.096	0.036			
2	1.070	0.085			
1b MEAN=	0.085	SD=	0.000	RSD=	0.000
3	6.028	0.143			
3	6.022	0.143			
2a MEAN=	0.143	SD=	0.000	RSD=	0.000
4	3.148	-0.016L			
4	3.172	-0.014L			
2b MEAN=	-0.015	SD=	0.001	RSD=	-6.667
5	3.473	0.002			
5	3.479	0.003			
3b MEAN=	0.002	SD=	0.000	RSD=	0.000
6	5.089	0.092			
6	5.085	0.091			
4a MEAN=	0.091	SD=	0.000	RSD=	0.000
7	4.540	0.061			
7	4.530	0.061			

```
            6  5.085  .091
4a  MEAN=    0.091      SD=   0.000   RSD=  0.000
            7  4.540  0.061
            7  4.530  0.061
4b  MEAN=    0.061      SD=   0.000   RSD=  0.000
            8  5.955  0.139
            8  5.933  0.138
5a  MEAN=    0.138      SD=   0.000   RSD=  0.000
            9  5.967  0.140
            9  5.941  0.139
5b  MEAN=    0.139      SD=   0.000   RSD=  0.000
           10  3.946  0.028
           10  3.929  0.028
6a  MEAN=    0.028      SD=   0.000   RSD=  0.000
           11  2.255 -0.065L
           11  2.259 -0.065L
6b  MEAN=   -0.065      SD=   0.000   RSD=  0.000
           12  5.853  0.134
           12  5.844  0.133
7a  MEAN=    0.133      SD=   0.000   RSD=  0.000
           13  6.030  0.143
           13  6.004  0.142
7b  MEAN=    0.142      SD=   0.000   RSD=  0.000
           14  4.075  0.036
           14  4.045  0.034
8a  MEAN=    0.035      SD=   0.001   RSD=  2.857
           15  4.996  0.036
           15  4.993  0.086
8b  MEAN=    0.086      SD=   0.000   RSD=  0.000
           16  3.785  0.020
           16  3.782  0.019
9a  MEAN=    0.019      SD=   0.000   RSD=  0.000
           17  5.017  0.088
           17  5.020  0.088
9b  MEAN=    0.088      SD=   0.000   RSD=  0.000
           18  5.373  0.107
           18  5.365  0.107
10a MEAN=    0.107      SD=   0.000   RSD=  0.000
           19  2.711 -0.040L
           19  2.705 -0.040L
10b MEAN=   -0.040      SD=   0.000   RSD=  0.000
           20  4.237  0.045
           20  4.234  0.044
11a MEAN=    0.044      SD=   0.000   RSD=  0.000
           21  5.423  0.110
           21  6.055  0.145
11b MEAN=    0.127      SD=   0.024   RSD=  18.89
           22  6.032  0.144
           22  6.035  0.144
11c MEAN=    0.144      SD=   0.000   RSD=  0.000
           23  6.307  0.159
           23  6.277  0.157
12a MEAN=    0.158      SD=   0.001   RSD=  0.632
           24  8.206  0.264
           24  8.546  0.282
12b MEAN=    0.273      SD=   0.012   RSD=  4.395
           25  4.842  0.078
           25  4.841  0.078
13a MEAN=    0.078      SD=   0.000   RSD=  0.000
           26  4.835  0.073
           26  4.816  0.076
13b MEAN=    0.077      SD=   0.001   RSD=  1.298
           27  5.661  0.123
           27  5.822  0.132
14a MEAN=    0.127      SD=   0.006   RSD=  4.724
           28  2.061 -0.076L
           28  2.028 -0.077L
14b MEAN=   -0.077      SD=   0.000   RSD=  0.000
           29  4.391  0.053
           29  4.857  0.051
15a MEAN=    0.052      SD=   0.001   RSD=  1.929
           30  5.045  0.089
           30  5.008  0.087
```

21 = 22

15a MEAN= 0.052   SD=   0.001   RSD= 1.923
    30   5.045 0.089
    30   5.008 0.037
15b MEAN= 0.088   SD=   0.001   RSD= 1.136
    31   2.682-0.041L
    31   2.659-0.043L
16a MEAN= -0.042   SD=   0.001   RSD=-2.381
    32   5.409 0.109
    32   5.397 0.109
16b MEAN= 0.109   SD=   0.000   RSD= 0.000
    33   3.110-0.018L
    33   3.110-0.018L
1a MEAN= -0.018   SD=   0.000   RSD= 0.000
    34   3.390-0.002L
    34   3.410-0.001L
1b MEAN= -0.002   SD=   0.000   RSD= 0.000
    35   3.404-0.001L
    35   3.113-0.017L
2a MEAN= -0.009   SD=   0.011   RSD=-122.2
    36   2.359-0.059L
    36   2.348-0.060L
2b MEAN= -0.060   SD=   0.000   RSD= 0.000
    37   3.371-0.003L
    37   3.382-0.003L
3b MEAN= -0.003   SD=   0.000   RSD= 0.000
    38   3.064-0.020L
    38   3.067-0.020L
4a MEAN= -0.020   SD=   0.000   RSD= 0.000
    39   2.652-0.043L
    39   2.640-0.044L
4b MEAN= -0.044   SD=   0.000   RSD= 0.000
    40   2.802-0.035L
    40   2.746-0.038L
5a MEAN= -0.037   SD=   0.002   RSD=-5.406
    41   5.112 0.093
    41   4.785 0.075
5b MEAN= 0.084   SD=   0.012   RSD= 14.28
    42   5.600 0.120
    42   5.577 0.118
6a MEAN= 0.119   SD=   0.001   RSD= 0.840
    43   3.639 0.012
    43   3.652 0.012
6b MEAN= 0.012   SD=   0.000   RSD= 0.000
    44   5.071 0.091
    44   5.060 0.090
7a MEAN= 0.090   SD=   0.000   RSD= 0.000
    45   3.980 0.030
    45   3.985 0.031
7b MEAN= 0.030   SD=   0.000   RSD= 0.000
    46   4.219 0.044
    46   4.212 0.043
8a MEAN= 0.043   SD=   0.000   RSD= 0.000
    47   4.821 0.077
    47   4.792 0.075
8b MEAN= 0.076   SD=   0.001   RSD= 1.315
    48   4.956 0.084
    48   4.955 0.084
9a MEAN= 0.084   SD=   0.000   RSD= 0.000
    49   4.111 0.038
    49   4.082 0.036
9b MEAN= 0.037   SD=   0.001   RSD= 2.702
    50   4.999 0.087
    50   5.004 0.087
10a MEAN= 0.087   SD=   0.000   RSD= 0.000
    51   4.033 0.033
    51   4.046 0.034
10b MEAN= 0.033   SD=   0.000   RSD= 0.000
    52   4.807 0.076
    52   4.792 0.075
11a MEAN= 0.075   SD=   0.000   RSD= 0.000
    53   5.049 0.089
    53   5.044 0.089

```
         49  4.111 0.038
             .082 0.036
9b MEAN= 0.037    SD=  0.001   SD= 2.702
     50  4.999 0.087
     50  5.004 0.087
10a MEAN= 0.087    SD=  0.000   RSD= 0.000
     51  4.033 0.033
     51  4.046 0.034
10b MEAN= 0.033    SD=  0.000   RSD= 0.000
     52  4.807 0.076
     52  4.792 0.075
11a MEAN= 0.075    SD=  0.000   RSD= 0.000
     53  5.049 0.089
     53  5.044 0.089
11b MEAN= 0.089    SD=  0.000   RSD= 0.000
     54  5.669 0.124
     54  5.674 0.124
12a MEAN= 0.124    SD=  0.000   RSD= 0.000
     55  5.830 0.132
     55  5.793 0.130
12b MEAN= 0.131    SD=  0.001   RSD= 0.763
     56  5.551 0.117
     56  5.523 0.115
13a MEAN= 0.116    SD=  0.001   RSD= 0.862
     57  3.558 0.007
     57  3.551 0.007
13b MEAN= 0.007    SD=  0.000   RSD= 0.000
     58  6.217 0.154
     58  6.194 0.153
14a MEAN= 0.153    SD=  0.000   RSD= 0.000
     59  1.984-0.080L
     59  1.982-0.080L
14b MEAN= -0.080   SD=  0.000   RSD= 0.000
     60  5.393 0.108
     60  5.395 0.108
15a MEAN= 0.108    SD=  0.000   RSD= 0.000
     61  5.425 0.110
     61  5.424 0.110
15b MEAN= 0.110    SD=  0.000   RSD= 0.000
     62  2.896-0.029L
     62  2.897-0.029L
16a MEAN= -0.029   SD=  0.000   RSD= 0.000
     63  5.112 0.093
     63  5.154 0.095
16b MEAN= 0.094    SD=  0.001   RSD= 1.063
     64  5.840 0.133
     64  5.849 0.133
1 MEAN= 0.133      SD=  0.000   RSD= 0.000
     65  5.858 0.134
     65  5.859 0.134
2 MEAN= 0.134      SD=  0.000   RSD= 0.000
     66  5.021 0.088
     66  5.011 0.087
3 MEAN= 0.087      SD=  0.000   RSD= 0.000
     67  5.401 0.109
     67  5.413 0.109
4 MEAN= 0.109      SD=  0.000   RSD= 0.000
     68  5.938 0.138
     68  5.860 0.134
5 MEAN= 0.136      SD=  0.002   RSD= 1.470
     69  5.449 0.111
     69  5.256 0.101
6 MEAN= 0.106      SD=  0.007   RSD= 6.603
     70  2.213-0.067L
     70  2.209-0.067L
7 MEAN= -0.067     SD=  0.000   RSD= 0.000
     71  5.759 0.129
     71  5.740 0.127
8 MEAN= 0.128      SD=  0.001   RSD= 0.781
```

	A	B	C	D
8	0.221	0.1988	1.11167	
			0.947136	

ACTH(100nM)

con

	A	B	C	D
1a	0.038	0.3977	0.095549	
1b	0.057	0.3636	0.156766	
2a	0.058	0.4902	0.118319	
2b		0.4441		
3b	0.056	0.3771	0.148502	
4a	0.035	0.5005	0.06993	
4b	0.006	0.5643		0.010633
avg			0.117813	

high-Ca

	A	B	C	D
5a	0.017	0.4475		0.037989
5b	0.177	0.3302	0.536039	
6a	0.21	0.4576	0.458916	
6b	0.075	0.4078	0.183914	
7a	0.174	0.3832	0.454071	
7b	0.098	0.5349	0.183212	
8a	0.115	0.4088	0.281311	
8b	0.154	0.2215	0.69526	
avg			0.39896	

medium-dairy

	A	B	C	D
9a	0.166	0.5304	0.312971	
9b	0.107	0.4747	0.225406	
10a	0.169	0.53	0.318868	
10b	0.103	0.5327	0.193355	
11a	0.155	0.3235	0.479134	
11b	0.172	0.3931	0.437548	
12a	0.216	0.2288	0.944056	
12b	0.226	0.2761	0.818544	
avg			0.466235	

high-dairy

	A	B	C	D
13a	0.207	0.3945	0.524715	
13b	0.069	0.3999	0.172543	
14a	0.253	0.307	0.824104	
14b	0.237	0.2847	0.832455	
15a	0.196	0.2033	0.964092	
15b	0.198	0.3495	0.566524	
16a	0.023	0.4219		0.054515
16b	0.18	0.4152	0.433526	
avg			0.616851	